IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.807 of 2007
In
Criminal Appeal No.659 of 2007

Raju Mahadev Chavan & ors. Applicants
Vs.
State of Maharashtra Respondent

Mr.Shekhar Ingawale for applicants.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 27, 2007.

P.C.

. Heard Mr.Ingawale, the learned counsel for the applicants. They pray for being released on bail during the pendency of Criminal Appeal No.659 of 2007. They have been convicted for the offences punishable under Section 304 (II) read with Section 34 of IPC and sentenced to suffer RI for ten years.

. I have perused the depositions of PW 1 and PW 2 who were the eye witnesses to the incident that had taken place on 10/9/2005 at about 9 p.m. and also the testimony of PW 3 - the Medical Officer. The incident could not be termed as one that had taken place at the spur of the moment and in fact the evidence of PW 1 and PW 2 has been relied upon by the

prosecution to support its claim that the deceased was beaten with kicks and fists. The evidence of PW 3 indicates that he died because of the internal injuries suffered and those injuries could be caused by the assault of kicks and fist blows. Hence there is no case made out to release the applicants on bail.

. The application is hereby rejected. The learned Advocate for the appellants is at liberty to file private paper book which could be certified by the Registry and apply for fixing an early date of hearing of the appeal.

(B.H.MARL